

Point of View

Improving Morale

MORTON H. HALPERIN

Washington lives by codewords. There are, for instance, slogans which sound like simple truisms but which actually signal which way someone intends to go.

For those concerned about reforming the intelligence agencies, the key sentence in Admiral Stansfield Turner's opening statement in his confirmation hearings before the Senate Intelligence Committee was this:

Even though the various disclosures of questionable intelligence activities during the past several years were necessary, they have damaged the public reputation of the intelligence community.

In case any one missed which element — a damaged reputation or a history of lawlessness — was the code word, Admiral Turner went on to commit himself to rebuilding that reputation.

His commitment was not to try to undo (as much as possible) the damage done in the past, or to eliminating ongoing actions which violate the CIA charter, or to creating legislation to prevent future abuses when men and women not as honorable as those now in high office come to power. No — his major goal is to rebuild the image of the intelligence agencies in the society.

When Attorney General Edward Levi came into office in the Ford Administration he made a similar pledge to restore the morale of career officials of the intelligence agencies. No one could have had any doubt about what that meant. To take just one example, the Justice Department under Mr. Levi found one reason after another not to indict anyone for the crimes carried out by officials of the intelligence agencies. Indictments for mail openings, wiretaps, or burglaries, do not, after all, restore morale.

So no one should misunderstand Admiral Turner's meaning either. In the same statement he reported that President Carter had concluded that there was no need for legislation to regulate the conduct of the intelligence agencies; existing laws and executive orders were said to be sufficient.

Meanwhile, President Carter has told us that he has concluded a review of all current covert operations and found no improprieties. The only problem he seems to have uncovered is that too many people in the White House and the Congress have access to information about intelli-

President has restricted access in the executive branch and called on Congress to follow suit.

Even for the most cynical White House watchers it is difficult to believe how fast the wagons are being drawn around the inner circle in response to the first leaks. Henry Kissinger once told a congressional committee that a new administration tends to greatly exaggerate the cost of leaks and to concentrate its energy on a futile effort to prevent them. That paranoia led to wiretaps, and making policy in extreme secrecy. One hoped that at least *that* lesson had been learned.

Control of information related to national security exists in a posture of almost complete lawlessness and anarchy. There are no laws regulating what must be released and what can be kept secret, or even establishing procedures for determining how those decisions should be made. The Executive Order is extremely vague and grants great discretion to officials without requiring them to take the public's right to know into account. Given such a system leaks are inevitable. Indeed, without them we would know very little about what our government is doing abroad in our name.

Legislation is urgently needed not only to strip away the secrecy which would permit future abuses and which interfere with the working of the constitutional system, but also to prevent abuses of the present and to redress the outrages of the past.

Not a single law has been changed since we learned of the illegal and unconstitutional acts of the past. Can anyone who believes in the rule of law really believe that the matter can be fixed by administrative reforms and executive orders? The CIA operates on college campuses in a manner which the Church Committee said threatened academic freedom in America. Were these activities included in the review of CIA operations which President Carter says uncovered no improprieties? If not the review was obviously incomplete; if so then we cannot leave those judgments to be made secretly by the administration.

Nor can the abuses of the past be remedied by the new DCI's codewords about rebuilding agency morale. The CIA still has many files gathered in violation of its charter and of the constitution; so do many other intelligence agencies. At the very least, these files must be purged. Individuals who were investigated and manipulated by the intelligence agencies have a right to be informed and to receive their files. Intelligence agency officials who violated the criminal laws should be investigated and, where the evidence warrants, indicted.

None of this will improve the reputation of the intelligence agencies in the short run. But in the long run, a thorough hearing and cleansing is the only way to have an intelligence community whose reputation is deservedly high, whose morale is good, and which is functioning under the constitution.

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